

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
CASE NO. 1:20-cv-00954-WO-JLW**

FARHAD AZIMA,

Plaintiff,

v.

NICHOLAS DEL ROSSO and VITAL
MANAGEMENT SERVICES, INC.,

Defendants.

**JOINT MOTION TO AMEND CASE
MANAGEMENT ORDER**

Plaintiff Farhad Azima and Defendants Nicholas Del Rosso and Vital Management Services, Inc., respectfully submit this Joint Motion to Amend the Case Management Order [ECF No. 93] as set forth herein. In support of this Motion, the parties state the following:

1. The parties jointly move for an extension of pre-trial deadlines in this case due to several factors that will delay the close of fact discovery. The parties do not seek to move the currently scheduled mediation set for April 16-17 or the trial date of September 23. The Special Master concurs with the parties' request.

2. The bases for seeking to extend pre-trial deadlines are as follow:

a. Non-party Dechert, LLP ("Dechert") has informed Plaintiff of two major problems that occurred in collecting documents to review in response to Plaintiff's December 2022 subpoena,

which will require them to review a collective 80,000 documents. In February, Dechert notified Plaintiff that it had identified more than 12,800 responsive documents that it had not previously reviewed or produced due to a collection error. In addition, Dechert notified Plaintiff last week that it had identified a second collection problem, which will require Dechert to review an additional 66,000 documents for responsiveness to Plaintiff's subpoena. Dechert's best estimate at this time is that production will not be complete until mid-to-late April, and only after that will it be in a position to produce an updated privilege log.

- b. Defendants must still search and produce or log responsive documents, if any, from Mr. Del Rosso's laptop that is subject to a court order in another jurisdiction ("UK Laptop").
- c. A number of motions are currently pending before the Special Master and the Court, the resolution of which will impact fact discovery.
- d. A motion is pending with the Court regarding RAK's decision not to appear to assert its privilege. Following resolution of that issue, additional documents may need to be produced.

- e. Document productions and updated privilege logs from Dechert and Defendants likely will lead to new disputes over privilege and other issues, which will need to be resolved before fact discovery can conclude.
- f. Defendants have not proceeded to depose witnesses they have noticed while awaiting additional trade secret information.

3. A status conference was held on March 27, 2024 with the Special Master in which she indicated her support for an extension of pre-trial deadlines proposed by the parties below.

Event	Current Schedule	Proposed
Expert Disclosures/Reports	April 5, 2024	May 24, 2024
Rebuttal Expert Reports	May 3, 2024	June 24, 2024
Close of Fact Discovery	March 29, 2024	May 15, 2024
Mediation	April 17-18, 2024	April 17-18, 2024
Close of Expert Discovery/Depositions	May 13, 2024	June 28, 2024
Dispositive Motions	May 22, 2024	July 15, 2024

4. The close of fact discovery is based on Plaintiff's assumption that it will timely receive any production from the UK Laptop and Dechert's production of documents, as well as a resolution of any privilege or other issues surrounding that production, which are outside of Plaintiff's control.

Defendants, in turn, have agreed to the close of fact discovery based on their expectation that they will receive any outstanding discovery, and further, that they will receive any additional discovery ordered by the Special Master, and that they will be able to depose witnesses based on reasonable scheduled deposition dates.

5. The parties agree that this limited extension of time does not limit either side's ability to contest compliance of the other party as to its pending discovery obligations, through motions to compel or otherwise; however, as to the completion of searches by Dechert and the parties, the parties are limited to the written discovery requests already propounded, and this limited extension of fact discovery is not to permit any Party to conduct additional fact discovery through means not already pending, unless ordered by Special Master Richey.

6. Because additional time is needed for the parties to complete outstanding fact discovery, the parties jointly seek to amend the Case Management Order [ECF No. 93] to allow for the extension of the discovery deadlines as set forth herein and limited as noted above.

7. This motion is made in good faith and not for the purposes of delay.

WHEREFORE, the parties respectfully request that the Court amend the Case Management Order to allow for the extension of the discovery deadlines as set forth herein or otherwise prescribed by the Court.

This the 29th day of March, 2024.

MILLER & CHEVALIER CHARTERED <u>/s/ Kirby D. Behre</u> Kirby D. Behre* Timothy P. O'Toole* Lauren E. Briggerman* Ian Herbert* Calvin Lee* Cody Marden* 900 16 th Street NW Washington, D.C. 20006 Phone: (202) 626-5800 Fax: (202) 626-5801 kbehre@milchev.com totoole@milchev.com lbriggerman@milchev.com iherbert@milchev.com clee@milchev.com cmarden@milchev.com <i>*by special appearance</i> WOMBLE BOND DICKINSON (US) LLP <u>/s/ Ripley Rand</u> Ripley Rand NCSB# 22275 Christopher W. Jones NCSB# 27265 555 Fayetteville Street, Suite 1100 Raleigh, NC 27601 Phone: (919) 755-2100 Fax: (919) 755-2150 ripley.rand@wbd-us.com chris.jones@wbd-us.com <i>Counsel for Plaintiff</i>	NELSON MULLINS RILEY & SCARBOROUGH, LLP <u>/s/ Brandon S. Neuman</u> Brandon S. Neuman, NCSB# 33590 Jeffrey M. Kelly, NCSB# 47269 Samuel Rosenthal* Justin Kaplan* 301 Hillsborough Street, Suite 1400 Raleigh, North Carolina 27603 Phone: (919) 329-3800 Fax: (919) 329-3799 brandon.neuman@nelsonmullins.com jeff.kelly@nelsonmullins.com sam.rosenthal@nelsonmullins.com justin.kaplan@nelsonmullins.com <i>*by special appearance</i> <i>Counsel for Defendants</i>
--	--